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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: SOLOMON2B.2

In re Application of:)	Conf. No.:
)	
Beka SOLOMON et al)	Mail Stop: DUPLICATES
)	
Appln. No.: 10/749,522)	
)	
Filed: January 2, 2004)	Washington, D.C.
)	
For: AGENTS AND COMPOSITIONS)	June 9, 2004
AND METHODS UTILIZING)	
SAME USEFUL IN DIAGNOSING)	
AND/OR TREATING OR)	
PREVENTING PLAQUE FORMING)	
DISEASES)	

COMMUNICATION

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop **Duplicates**
Crystal Plaza Two, Lobby, Room 7D25
Arlington, VA 22202

Sir:

The above-identified application was filed at the Patent and Trademark Office on January 2, 2004. When neither the return postcard nor an official filing receipt had been received within a few months after filing, we commenced making telephone calls to OIPE to find out the status of this case. Finally, on June 7, 2004, we were able to have a substantive communication with an individual in OIPE. By looking up our attorney reference number, DeShawn at OIPE was able to provide

us with the above application number. She further informed us that, while the application had been indexed when it was received, it had never been scanned. We were advised that a duplicate copy of the papers as filed would need to be filed so that the file could be properly scanned and a filing receipt issued.

Attached hereto is a copy of the papers filed on January 2, 2004, including:

- Copy of the postcard stamped by the PTO on January 2, 2004, when the application was delivered to the customer window;
- Transmittal letter;
- Application Data Sheet
- PTO/SB/08A and 08B (7 pages)
- Specification, claims, abstract and sequence listing (133 total pages)
- Drawings (28 sheets, 30 figures)
- Declaration (2 pages)

This is a true and complete copy of the papers filed January 2, 2004, and contains no new matter.

A review of the PTO records of credit card activity for Browdy and Neimark reveals that the amount authorized to be charged to the credit card identified in the PTO Form 2038

Appln. No. 10/749,522
Communication dated June 9, 2004

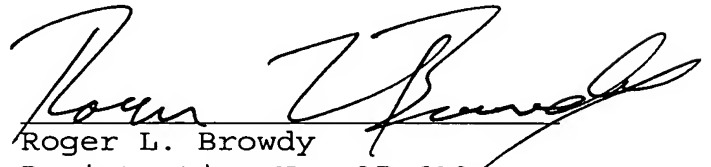
submitted with the above application was processed on January 7, 2004. Therefore, no additional charges are authorized.

Due to the delay caused by an error in the Patent and Trademark Office, it is requested that the application papers be processed, an official filing receipt issued, and the application forwarded to the examiner as soon as possible.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By


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January 2, 2004

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U.S. Patent and Trademark
2011 South Clark Place
Customer Window, Mail Stop Patent Application
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Re: New Continuation Patent Application in U.S.
Applicant(s): Beka SOLOMON et al
Title: AGENTS AND COMPOSITIONS AND METHODS UTILIZING SAME USEFUL
IN DIAGNOSING AND/OR TREATING OR PREVENTING PLAQUE FORMING
DISEASES

Attv's Docket: SOLOMON=2B.2

Sir:

Attached herewith is the above-identified application for Letters Patent including:

- ☒ Application Data Sheet
- ☒ Specification (118 pages), claims (4 pages), abstract (1 page) and Sequence Listing (10)
- ☒ 28 Sheets Drawings (Figures 1-31)
 - ☒ FORMAL ☐ Informal
- ☒ Declaration and Power of Attorney (2 pages)
 - ☐ Newly executed ☒ Copy from prior application no. 09/629,971
- ☒ The paper copy of the Sequence Listing in this application is identical to the computer-readable copy of the Sequence Listing filed March 8, 2001, in application no. 09/629,971. In accordance with 37 CFR §1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application.
- ☒ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$___ to cover:
 - ☒ The filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$ 770.00
TOTAL CLAIMS	24 - 20	= 4	x 18	72.00
INDEPENDENT CLAIMS	4 - 3	= 1	x 86	86.00
<input type="checkbox"/> Multiple Dependent Claim Presented			+ 290	--
<input type="checkbox"/> Reduction of 1/2 for Small Entity				
TOTAL FILING FEE				\$ 928.00

- ☐ Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL		-	=	x 18	
INDEP.		-	=	x 86	
[]	Multiple Dependent Claim Presented			+ 290	
[]	Reduction by 1/2 for Small Entity				
Total Additional Fee =					

- ☐ Other Fees: _____
- ☐ Other Attachments: _____
- ☒ Return Receipt Postcard (in duplicate)

The following statements are applicable:

- ☐ Applicant hereby requests that this application not be published pursuant to 35 U.S.C. §122(a). It is certified on behalf of applicant that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.
- ☐ The benefit under 35 USC §119 is claimed of the filing date of:
 Application No. _____ in _____ on _____. A certified copy of said priority document ☐ is attached ☐ was filed in progenitor case _____ on _____.
 Application No. _____ in _____ on _____. A certified copy of said priority document ☐ is attached ☐ was filed in progenitor case _____ on _____.
☒ Domestic Priority: See Application Data Sheet.
- ☒ The present application is a Continuation of prior Application No. 10/162,889, filed June 6, 2002.
- ☒ Applicants hereby expressly state for the record that they do not wish to necessarily be bound to the election which was made in parent application no. 10/162,889. Claims to non-elected inventions in the parent case appear in the present application and it is requested that, if the examiner still believes restriction to be necessary, a restriction requirement be repeated in the present application so that applicants will have another opportunity to decide which group of claims they wish to elect for prosecution in the present application. If a group of claims other than those elected in the parent case is elected in the present application, then the designation of the present application as a continuation will be changed to that as a division.
- ☐ Amend the specification by inserting before the first line the sentence:
☐ --This is a continuation/division/continuation-in-part of copending parent application Serial No. _____, filed _____--
☐ --The present application claims the benefit of U.S. Provisional Appln. No. 60/_____, filed _____--
☐ --The present application is the national stage under 35 U.S.C. §371 of international application _____ which designated the United States[, which international application was published under PCT Article 21(2) in English].--

- ☒ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Pursuant to 37 C.F.R. §1.63(d)(2), please delete as inventor(s) the name(s) of _____, who is/are not inventor(s) in the present divisional application.
- ☒ The application is (or will be) assigned to: See Application Data Sheet, whose address is _____.
- ☒ Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior applications 10/162,889, 09/629,971 and 09/473,653, which are relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- ☒ As in the parent application 10/162,889, please associate the present application with **Customer No. 001444** and recognize only the practitioners associated therewith.
- ☒ The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any additional filing fees required under 37 CFR §1.16.
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
- ☒ If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- ☒ The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By: 

Roger L. Browdy

Registration No. 25,618

RLB:rd



FILED: January 2, 2004
APPLICANT(S): Beka SOLOMON et al

THE PATENT AND TRADEMARK OFFICE STAMP HEREON
ACKNOWLEDGES RECEIPT OF THE ABOVE-IDENTIFIED
APPLICATION, INCLUDING THE FOLLOWING PAPERS:

☒ FEES \$ 928.00 (CH # Form 2038)

- ☒ NEW APPLICATION TRANSMITTAL LETTER
- ☐ ORIGINAL NON-PROVISIONAL UTILITY
 - ☐ CONTINUATION-IN-PART (37 CFR §1.53(b))
 - ☒ CONTINUATION (37 CFR §1.53(b))
 - ☐ DIVISIONAL (37 CFR §1.53(b))
 - ☐ DESIGN
 - ☐ PLANT
 - ☐ PROVISIONAL

☒ SPECIFICATION AND CLAIMS (123 pages)

☒ DRAWINGS (28 sheets; 30 figures)

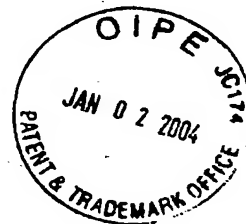
☒ SEQUENCE LISTING ☐ WITH DISK

☒ DECLARATION (2 pages)

☒ APPLICATION DATA SHEET

DOCKET NO.: SOLOMON = 28.2

(PARENT CASE: 10/162,889)



☐ INFORMATION DISCLOSURE STATEMENT (_____ pages)

☒ FORM 1449 (7 pages)

☐ PATENTS AND/OR PRINTED PUBLICATIONS

☐ PRELIMINARY AMENDMENT

☐ SUPPLEMENTAL PRELIMINARY AMENDMENT

☐ OTHER AMENDMENT

☐ PRIORITY DOCUMENT(S) NO. _____

☐ OTHER _____